

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

ABSTRACT:- PUBLIC SERVICES - Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department - Departmental proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charges - Issued.

LAW (M.I) DEPARTMENT

G.O.Rt.No. 1404

Date: 31-08-2010

Read the following:

1. Order of the A.P.Information Commission, dated 29-04-2010 in Appeal No.4421/CIC/2009, dated 29-04-2010.
2. Memo.No.2118/15(RTI)/2010, Law (M.I) Dept., dt.09-08-2010.

ORDER:

It is proposed to hold an inquiry against Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

3. Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department is directed to submit within 10 days of the receipt of this order, a written statement of his/her defence.

4. Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He/she should, therefore, specifically admit or deny each article of charge.

5. Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department is further informed that if he/she does not submit his/her written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.

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6. Attention of Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department is invited to Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P.Civil Service (Conduct) Rules, 1964.

7. The receipt of this order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.SURI APPA RAO
SECRETARY TO GOVERNMENT,
LEGAL AFFAIRS.

To
Sri K. Rajagopalachar,
Assistant Secretary to Govt.,
Law Department (w.es).
S/f & S/c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE - I

Statement of articles of charge framed against Sri K. Rajagopalachar, Assistant Secretary to Government, Law Department.

Article-I

That the said Sri K. Rajagopalachar, Assistant Secretary to Government, Law Department while functioning as Section Officer in-charge of Law (M) Department during the period from July, 2008 to February, 2009 has attended to the duties of Section Officer, Law (M) Department.

Article-II

That during the aforesaid period and while functioning in the aforesaid office, the said Sri K. Rajagopalachar, Assistant Secretary to Government, Law Department received the Application of Sri Ravuri Ramesh Babu, R/o. 17/231, Thipparaju vari Street, Nellore, SPSR Nellore District submitted under RTI Act, 2005 on 29-12-2008.

Article-III

That during the aforesaid period and while functioning in the aforesaid Office, the said Sri K. Rajagopalachar, Assistant Secretary to Government, Law Department has not taken any action on the Application of Sri Ravuri Ramesh Babu, R/o. 17/231, Thipparaju vari Street, Nellore, SPSR Nellore District submitted under RTI Act, 2005, which was received on 29-12-2008 in Law (M) Department, i.e. furnishing necessary information / transfer of Application, as the case may be, under the provisions of Right to Information Act, 2005.

SECTION OFFICER

ANNEXURE - II

Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department.

Article-I

As Section Officer (In-Charge) of Law (M) Department, Sri K. Rajagopalachar, Assistant Secretary to Government, Law Department has also acted as Assistant Public Information Officer, Law Department under R.T.I. Act, 2005. But, he has not taken any action on the Application of Sri Ravuri Ramesh Babu, R/o. 17/231, Thipparaju vari Street, Nellore, SPSR Nellore District submitted under RTI Act, 2005, while discharging his duties as A.P.I.O. / S.O. (In-charge) of Law (M) Department. This shows his dereliction to duty.

Article-II

Under section 7 (1) of the R.T.I. Act, 2005 on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9 or transfer the Application under section 6(3) of the said Act, if the subject matter of which is more closely connected with the functions of another public authority and inform the applicant immediately about such transfer not later than five days from the date of receipt of the application. In this case, no action was taken within the stipulated time, which shows his negligence to duty.

Article-III

The State Public Information Officer is liable for penalty under section 20 and 19 (8) (b) of the R.T.I. Act, 2005 for non-furnishing of Information to the Applicant under R.T.I. Act. Sri K. Rajagopalachar, Assistant Secretary to Government, Law Department, being A.P.I.O. / S.O. (In-charge) of Law (M) Department, during the relevant period, not processed the Application of Sri Ravuri Ramesh Babu, R/o. 17/231, Thipparaju vari Street, Nellore, SPSR Nellore District submitted under RTI Act, 2005 which was received on 29-12-2008 in Law (M) Department, which amounts to violation of rule 3 of the A.P.Civil Services (Conduct) Rules, 1964.

SECTION OFFICER

ANNEXURE - III

List of documents by which the articles of charge framed against Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department are proposed to be sustained.

1. Copy of Postal Acknowledgement received from Information Commission in support of receipt of Application of Sri Ravuri Ramesh Babu, R/o. 17/231, Thipparaju vari Street, Nellore, SPSR Nellore District submitted under RTI Act, 2005, in this Department.

2. Extract of Tappal Book dated 29-12-2008 of Law (M) Department wherein the said Application was marked to Law (M) Department.

SECTION OFFICER

ANNEXURE - IV

List of witnesses by whom the articles of charge framed against Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department are proposed to be sustained.

1. Smt. K.Lakshmi Bai, Assistant (D.R.T.), Law Department
2. Sri S. Nagendra Prasad, A.S.O., Law (M.I) Department
3. Sri D. Vinay Kumar, Data Entry Operator, Law (M) Department

SECTION OFFICER